

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

LLEWELLYN GEORGE, 02-A-0092,

Plaintiff,

v.

ORDER
05-CV-510A

JAMES T. CONWAY, et al.,

Defendants.

The above-referenced case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1)(B). On January 5, 2007, Magistrate Judge Schroeder filed a Report and Recommendation, recommending that the plaintiff's motion for a temporary restraining order/preliminary injunction be denied as moot without prejudice to renewal in the event that plaintiff successfully moves to amend his complaint to include allegations of violations of dietary regulations at the facility where he is currently housed.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, plaintiff's motion for a temporary restraining order/preliminary injunction is denied as moot without prejudice to renewal in the event that plaintiff successfully moves to amend his

complaint to include allegations of violations of dietary regulations at the facility where he is currently housed.

The case is referred back to Magistrate Judge Schroeder for further proceedings.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: February 2, 2007